

BURKHART & BURKHART

PATENT ATTORNEYS
TELEPHONE (406) 862-1187
FAX (406) 862-1184

TELEFAX

FAX RECEIVED

NOV 18 2002

TECHNOLOGY CENTER 2800

TO.....Mr. AJ David
FROM.....Patrick Burkhart
DATE.....18 November 2002
RE.....Signature page in 09/924,200
PAGES (incl. Cover).....2

Dear Mr. David:

I am transmitting herewith a signed copy of the signature page in the above-captioned case. Please let me know if there is anything further I need to do to resolve this matter.

Thanks for your time and consideration.

Respectfully,


Patrick N. Burkhart

6

its own reconstruction -- an illogical and inappropriate process by which to determine patentability. *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985). *Sensonics Inc. v. Aerosonic Corp.* (CA FC) 38 USPQ2d 1551, 1553 1996.

With the analysis of the deficiencies of the applied references in mind as enumerated above, there is no reason or suggestion in the evidence of record as to why one of ordinary skill in the art would have been led to produce the claimed invention. Therefore, prima facie obviousness has not been established.

The Examiner has failed to meet the test for obviousness as set forth in Graham v. John Deere Co. Withdrawal of the §103 rejection is in order, and therefore respectfully requested.

In view of the foregoing remarks and amendments, Applicants respectfully submit that claims 1 through 20 define allowable subject matter. The Examiner is requested to indicate the allowability of all claims in the application, and to pass the application to issue.

Respectfully submitted,
(Phillips et al.)

By 

(Patrick N. Burkhart)

Reg. No. 33,252

31 October 2002
(406) 862-1187

S/N:09/924,200
Case: 10002608-1
Amendment A